

APPENDICES

APPENDIX

A

The Intermodal Surface Transportation Efficiency Act of 1991: References to the Bureau of Transportation Statistics

PL 102-240—DECEMBER 18, 1991

Sec. 6006. Bureau of Transportation Statistics.
(105 Stat. 2172)

Chapter I of title 49, United States Code, is amended by adding at the end the following new section:

“Sec. 111. Bureau of Transportation Statistics.

“(a) Establishment.-There is established in the Department of Transportation a Bureau of Transportation Statistics.

“(b) Director.-

- (1) Appointment.-The Bureau shall be headed by a Director who shall be appointed by the President, by and with the advice and consent of the Senate.
- (2) Qualifications.-The Director shall be appointed from among individuals who are qualified to serve as the Director by virtue of their training and experience in the compilation and analysis of transportation statistics.
- (3) Reporting.-The Director shall report directly to the Secretary.
- (4) Term.-The term of the Director shall be 4 years. The term of the first Director to be appointed shall begin on the 180th day after the date of the enactment of this section.

- “(c) Responsibilities.-The Director of the Bureau shall be responsible for carrying out the following duties:
- (1) Compiling transportation statistics.-Compiling, analyzing, and publishing a comprehensive set of transportation statistics to provide timely summaries and totals (including industrywide aggregates and multiyear averages) of transportation-related information. Such statistics shall be suitable for conducting cost-benefit studies (including comparisons among individual transportation modes and intermodal transport systems) and shall include information on-
 - (A) productivity in various parts of the transportation sector;
 - (B) traffic flows;
 - (C) travel times;
 - (D) vehicle weights;
 - (E) variables influencing traveling behavior, including choice of transportation mode;
 - (F) travel costs of intracity commuting and intercity trips;
 - (G) availability of mass transit and the number of passengers served by each mass transit authority;
 - (H) frequency of vehicle and transportation facility repairs and other interruptions of transportation service;
 - (I) accidents;
 - (J) collateral damage to the human and natural environment; and
 - (K) the condition of the transportation system.
 - (2) Implementing long-term data collection program.-Establishing and implementing, in cooperation with the modal administrators, the States, and other Federal officials a comprehensive, long-term program for the collection and analysis of data relating to the performance of the national transportation system. Such program shall-
 - (A) be coordinated with efforts to develop performance indicators for the national transportation system undertaken pursuant to section 307(b)(3) of title 23, United States Code;
 - (B) ensure that data is collected under this subsection in a manner which will maximize the ability to compare data from different regions and for different timeperiods; and
 - (C) ensure that data collected under this subsection is controlled for accuracy and disseminated to the States and other interested parties.
 - (3) Issuing guidelines.-Issuing guidelines for the collection of information by the Department of Transportation required for statistics to be compiled under paragraph (1) in order to ensure that such information is accurate, reliable, relevant, and in a form that permits systematic analysis.

- (4) Coordinating collection of information.-Coordinating the collection of information by the Department of Transportation required for statistics to be compiled under paragraph (1) with related information-gathering activities conducted by other Federal departments and agencies and collecting appropriate data not elsewhere gathered.
 - (5) Making statistics accessible.-Making the statistics published under this subsection readily accessible.
 - (6) Identifying information needs.-Identifying information that is needed under paragraph (1) but which is not being collected, reviewing such needs at least annually with the Advisory Council on Transportation Statistics, and making recommendations to appropriate Department of Transportation research officials concerning extramural and intramural research programs to provide such information.
- “(d) Limitations on Statutory Construction.-Nothing in this section shall be construed-
- (1) to authorize the Bureau to require any other department or agency to collect data; or
 - (2) to reduce the authority of any other officer of the Department of Transportation to collect and disseminate data independently.
- “(e) Prohibition on Certain Disclosures.-Information compiled by the Bureau shall not be disclosed publicly in a manner that would reveal the personal identity of any individual, consistent with the Privacy Act of 1974 (5 U.S.C. 552a), or to reveal trade secrets or allow commercial or financial information provided by any person to be identified with such person.
- “(f) Transportation Statistics Annual Report.-On or before January 1, 1994, and annually thereafter, the Director shall transmit to the President and Congress a Transportation Statistics Annual Report which shall include information on items referred to in subsection (c) (1), documentation of methods used to obtain and ensure the quality of the statistics presented in the report, and recommendations for improving transportation statistical information.
- “(g) Performance of Functions of Director Pending Confirmation.-An individual who, on the date of the enactment of this section, is performing any function required by this section to be performed by the Director may continue to perform such function until such function is undertaken by the Director.
- (b) Funding.-There shall be available from the Highway Trust Fund (other

than the Mass Transit Account) only for carrying out the amendment made by subsection (a) \$5,000,000 for fiscal year 1992, \$10,000,000 for fiscal year 1993, \$15,000,000 per fiscal year for each of fiscal years 1994 and 1995, \$20,000,000 for fiscal year 1996, and \$25,000,000 for fiscal year 1997. Funds authorized by this subsection shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code.

- (c) **Conforming Amendment.**-The analysis for chapter 1 of such title is amended by adding at the end the following new items:

“Sec. 110. Saint Lawrence Seaway Development Corporation.

“Sec. 111. Bureau of Transportation Statistics.”

- (d) **Amendment to Title 5, U.S.C.**-Section 5316 of title 5, United States Code, is amended by adding at the end the following:

Director, Bureau of Transportation Statistics.”

Sec. 6007. Advisory Council on Transportation Statistics.
(105 Stat. 2174)

- (a) **Establishment.**-The Director of the Bureau of Transportation Statistics shall establish an Advisory Council on Transportation Statistics.
- (b) **Function.**-It shall be the function of the advisory council established under this section to advise the Director of the Bureau of Transportation Statistics on transportation statistics and analyses, including whether or not the statistics and analysis disseminated by the Bureau of Transportation Statistics are of high quality and are based upon the best available objective information.
- (c) **Membership.**-The advisory council established under this section shall be composed of not more than 6 members appointed by the Director who are not officers or employees of the United States and who (except for 1 member who shall have expertise in economics and 1 member who shall have expertise in statistics) have expertise in transportation statistics and analysis.
- (d) **Applicability of Federal Advisory Committee Act.**-The Federal Advisory Committee Act shall apply to the advisory council established under this section, except that section 14 of the Federal Advisory Committee Act shall not apply to the Advisory Committee established under this section.

Sec. 6008. DOT Data Needs.
(105 Stat. 2175)

- (a) Study.-Not later than 1 year after the date of the establishment of the Bureau of Transportation Statistics, the Secretary shall enter into an agreement with the National Academy of Sciences to conduct a study on the adequacy of data collection procedures and capabilities of the Department of Transportation.
- (b) Consultation.-The Secretary shall enter into the agreement under subsection (a) in consultation with the Director of the Bureau of Transportation Statistics.
- (c) Contents.-The study under subsection (a) shall include an evaluation of the Department of Transportation's data collection resources, needs, and requirements and an assessment and evaluation of the systems, capabilities, and procedures established by the Department to meet such needs and requirements, including the following:
 - (1) Data collection procedures and capabilities.
 - (2) Data analysis procedures and capabilities.
 - (3) Ability of data bases to integrate with one another.
 - (4) Computer hardware and software capabilities.
 - (5) Information management systems, including the ability of information management systems to integrate with one another.
 - (6) Availability and training of the personnel of the Department.
 - (7) Budgetary needs and resources of the Department for data collection.
- (d) Report.-Not later than 18 months after the date of the agreement under subsection (a), the National Academy of Sciences shall transmit to Congress a report on the results of the study under this section, including recommendations for improving the Department of Transportation's data collection systems, capabilities, procedures, and analytical hardware and software and recommendations for improving the Department's management information systems.

Sec. 6013. State Level of Effort.
(105 Stat. 2181)

- (a) Study.-Not later than 3 months after the date of the enactment of this Act, the Secretary and the Director of the Bureau of Transportation Statistics shall

begin a comprehensive study of the most appropriate and accurate methods of calculating State level of effort in funding surface transportation programs.

- (b) Contents.-The study under subsection (a) shall include collection of data relating to State and local revenues collected and spent on surface transportation programs. Such revenues include income from fuel taxes, toll revenues (including bridge, tunnel, and ferry tolls), sales taxes, general fund appropriations, property taxes, bonds, administrative fees, taxes on commercial vehicles, and such other State and local revenue sources as the Director of the Bureau considers appropriate.
- (c) Report.-Not later than 9 months after the date of the enactment of this Act, the Secretary and the Director of the Bureau shall transmit to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives a report on the results of the study under this section, including recommendations on the most appropriate measure of State level of effort in funding surface transportation programs and comprehensive data, by State, on revenue sources and amounts collected by States and local governments and devoted to surface transportation programs.

Sec. 1098. Allocation Formula Study.
(105 Stat. 2025)

- (a) The General Accounting Office in conjunction with the Bureau of Transportation Statistics created pursuant to title VI of this Act, shall conduct a thorough study and recommend to the Congress within 2 years after the date of the enactment of this Act a fair and equitable apportionment formula for the allocation of Federal-aid highway funds that best directs highway funds to the places of greatest need for highway maintenance and enhancement based on the extent of these highway systems, their present use, and increases in their use.
- (b) The results of this study shall be presented to the Senate Committee on Environment and Public Works and the House Committee on Public Works and Transportation on or before January 1, 1994, and shall be considered by these committees as they reauthorize the surface transportation program in 1996.

SEC. 5002. Duties of Secretary; Office of Intermodalism
(105 Stat. 2158)

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- (c) Office of Intermodalism.-

- (1) Establishment.-The Secretary shall establish within the Office of the Secretary an Office of Intermodalism.

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- (4) Intermodal transportation data base.-The Director shall develop, maintain, and disseminate intermodal transportation data through the Bureau of Transportation Statistics. The Director shall coordinate the collection of data for the data base with the States and metropolitan planning organizations. The data base shall include-
 - (A) information on the volume of goods and number of people carried in intermodal transportation by relevant classification;
 - (B) information on patterns of movement of goods and people carried in intermodal transportation by relevant classification in terms of origin and destination; and
 - (C) information on public and private investment in intermodal transportation facilities and services.

The Director shall make information from the data base available to the public.